

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BENJAMIN SCRUGGS, )  
 )  
 Defendant. )  
 \_\_\_\_\_/

Case No. 3:21-cr-00003-HDM-CLB

**MINUTES OF COURT**

September 28, 2021

**PROCEEDINGS: EVIDENTIARY HEARING RE: DEFENDANT'S MOTION TO  
SUPPRESS (ECF NO. 19)**

PRESENT: THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

DEPUTY CLERK: Paris Rich CONTRACT COURT REPORTER: Susan Kiger

COUNSEL FOR PLAINTIFF: Megan Rachow, AUSA

COUNSEL FOR DEFENDANT: Jawara Griffin, AFD and Chris Frey, AFD

At 9:30 a.m., the Court convenes.

The Defendant (in custody without restraints) is present with counsel and Christian Filipiak, Litigation Support Specialist.

The Government is present with Officer Shane Pearman, Reno Police Department.

On behalf of the Government, Ms. Rachow invokes the rule of exclusion.

SHANE PEARMAN, Patrol Officer, Reno Police Department, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Mr. Griffin, examined on redirect by Ms. Rachow, and excused.

**The Government's Exhibit 2 and Exhibit 1 (page USAO 000046 only) are received into evidence.**

**The Defendant's Exhibit 506-B is received into evidence.**

JASON SCHAUR, Patrol Officer, Reno Police Department, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Mr. Griffin, and excused.

JEFFREY BUTLER, Officer, Reno Police Department, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Mr. Griffin, and excused.

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At 11:10 a.m., the Court stands at recess.

At 11:23 a.m., the Court reconvenes. All parties are present.

DEEANN SHAPIRO-LANDMAN, called on behalf of the Defendant, is sworn, examined on direct by Mr. Frey, and excused.

**The Defendant's Exhibit 501-A and Exhibit 508-A are received into evidence.**

Mr. Frey presents closing argument.

Ms. Rachow presents closing argument.

Mr. Frey presents rebuttal argument.

The Court takes the matter under submission. The parties are directed to return to the courtroom at 1:00 p.m. this date.

At 12:26 p.m., the Court stands at recess.

At 1:06 p.m., the Court reconvenes. All parties are present.

The Court recites findings and conclusions.

**IT IS ORDERED that the Defendant's Motion to Suppress (ECF No. 19) is denied. IT IS SO ORDERED.**

The Court and parties proceed to Calendar Call in this matter. The Court restates the Jury Trial is currently set for Monday, October 18, 2021. However, due to another trial going forward in the courthouse on that date, the Jury Trial in this matter will commence on Tuesday, October 19, 2021.

**IT IS ORDERED that the Jury Trial currently set for Monday, October 18, 2021 at 9:00 a.m. is RESET for Tuesday, October 19, 2021 at 9:00 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben.**

**IT IS FURTHER ORDERED that Proposed Jury Instructions and Proposed Voir Dire shall be due by Tuesday, October 12, 2021 at 4:00 p.m. IT IS SO ORDERED.**

The Court provides its upcoming schedule and directs counsel to advise the Court no later than October 8th if the case will resolve or if the parties will be requesting a continuance of the Jury Trial.

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In closing, the Court compliments counsel on their briefing in this matter.

The Defendant is remanded to custody.

At 1:25 p.m., the Court adjourns.

DEBRA K. KEMPLI, CLERK

By: /s/ Paris Rich  
Deputy Clerk